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Docket No. 3123-4006

Express Mail No. EL 762529769 US



27123

PATENT TRADEMARK OFFICE

PTO  
09/834434



↑AFFIX CUSTOMER NO. LABEL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Commissioner for Patents

**Box Patent Application**

Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

- (1) Mark A. Emalfarb  
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Jupiter, FL 33477
- (2) Peter J. Punt  
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For: HIGH THROUGHPUT SCREENING OF EXPRESSED DNA LIBRARIES  
IN FILAMENTOUS FUNGI

Enclosed Are:

- 59 page(s) of specification  
1 page(s) of Abstract  
6 page(s) of claims  
20 sheets of ☒ Formal ☐ Informal drawings  
7 page(s) of Declaration and Power of Attorney

- ☒ Unsigned  
☐ Newly Executed  
☐ Copy from prior application

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i)  
(form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

☐ Incorporation by Reference:

☐ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☐ Assignment Papers (assignment cover sheet and assignment documents)

☐ A check in the amount of \$40.00 for recording the Assignment

☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.

☐ Assignment Papers filed in the parent application Serial No. \_\_\_\_\_.

☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)

☐ Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).

☐ Certified Copy of Priority Document(s) [\_\_\_\_\_]

☐ filed herewith

☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ English translation document(s) [\_\_\_\_\_]

☐ filed herewith

☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ Information Disclosure Statement

☐ Copy of [\_\_\_\_\_] cited references

☐ PTO Form-1449

☐ References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)

☐ A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.

☐ A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.

☐ A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

☐ Preliminary Amendment

☒ Return receipt postcard (MPEP 503)

- ☒ This is a ☐ continuation ☐ divisional ☒ continuation-in-part of prior application serial no. PCT/US00/10199, filed 13 April 2000, to which priority under 35 U.S.C. §120 is claimed.
- ☐ Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☒ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence:  
This is ☐ continuation ☐ divisional ☒ continuation-in-part of co-pending application Serial No. PCT/US00/10199, filed 13 April 2000.

## I. CALCULATION OF APPLICATION FEE

	Number Filed	Number Extra	Rate	Basic Fee <del>\$740.00</del> /355.00
Total Claims	460- 20 =	440x	<del>\$18.00</del> / \$9.00	\$ 3960.00
Independent Claims	3 - 3 =	0x	\$80.00/ \$40.00	\$
<input checked="" type="checkbox"/> Multiple Dependent Claims		If marked, add fee of <del>\$270.00</del> (\$135.00)		\$ 135.00
TOTAL:				\$ 4450.00

- ☒ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$4450.
- ☐ A check in the amount of \$\_\_\_\_\_ in payment of the application filing fees is attached.
- ☒ Charge fee to Deposit Account No. 13-4500, Order No. 3123-4006. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3123-4006. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: April 13, 2001

By: James P. Demers  
James P. Demers  
Registration No. 34,320

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): EMALFARB, et al.

Group Art Unit: TBA

Serial No.: TBA

Examiner: TBA

Filed: April 13, 2001

For: HIGH THROUGHPUT SCREENING OF EXPRESSED DNA LIBRARIES  
IN FILAMENTOUS FUNGI

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: **EL 762529769 US**

Date of Deposit: **April 13, 2001**

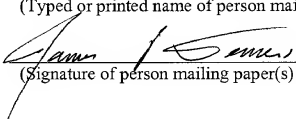
I hereby certify that the following attached paper(s) and/or fee

1. Utility Application and fee Transmittal Letter
2. Application for patent: 59pp specification, 6pp claims, 1pp abstract,  
20 sheets drawings
3. Combined Declaration and Power of Attorney
4. Self-Addressed Return-Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

James P. Demers

(Typed or printed name of person mailing papers(s) and/or fee)

  
(Signature of person mailing paper(s) and/or fee)

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